

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

v.

DANIEL MARSICO

Criminal No. 24- 12
[UNDER SEAL]

FILED

JAN 23 2024

INDICTMENT MEMORANDUM

CLERK U.S. DISTRICT COURT
WEST DIST OF PENNSYLVANIA

AND NOW comes the United States of America, by its attorneys, Eric G. Olshan, United States Attorney for the Western District of Pennsylvania, and Nicole Vasquez Schmitt, Assistant United States Attorney for said District, and submits this Indictment Memorandum to the Court:

I. THE INDICTMENT

A federal grand jury returned a one-count indictment against the above-named defendant for an alleged violation of federal law:

<u>COUNT</u>	<u>OFFENSE/DATE</u>	<u>TITLE/SECTION</u>
1	Cyberstalking From in and around June 2020 through in and around January 2024	18 U.S.C. §§ 2261A(2)(A) and (B)

II. ELEMENTS OF THE OFFENSE

As to Count 1:

In order for the crime of Cyberstalking, in violation of 18 U.S.C. §§ 2261A(2)(A) and (B), to be established, the government must prove all of the following essential elements beyond a reasonable doubt:

1. That the defendant, with the intent to injure, harass, intimidate, or place under surveillance with intent to injure, harass, or intimidate another person,

2. Used the mail, any interactive computer service or electronic communication service or electronic communication system of interstate commerce, or any other facility of interstate or foreign commerce to engage in a course of conduct that:

a. Placed that person in reasonable fear of death or of serious bodily injury to that person; or

b. Caused, attempted to cause, or would be reasonably expected to cause substantial emotional distress to that person.

Title 18, United States Code, Section 2261A; *United States v. Yung*, 37 F.4th 70 (3d Cir. 2022).

III. PENALTIES

As to Count 1: Cyberstalking (18 U.S.C. §§ 2261A(2)(A) and (B)):

1. A term of imprisonment of not more than five (5) years. However, if the offender used a dangerous weapon during the offense, the term of imprisonment is not more than ten (10) years. If the stalking occurred in violation of a temporary or permanent civil or criminal injunction, restraining order, no-contact order, or other order described in Section 2266 of Title 18, United States Code, the term of imprisonment is not less than one (1) year. (18 U.S.C. § 2261(b))

2. A fine of not more than \$250,000. (18 U.S.C. § 3571(b)(3))

3. A term of supervised release of not more than three (3) years. (18 U.S.C. § 3583(b)(2))

IV. MANDATORY SPECIAL ASSESSMENT

A mandatory special assessment of \$100.00 must be imposed at each count upon

which the defendant is convicted, pursuant to 18 U.S.C. § 3013.

V. RESTITUTION

Restitution may be required in this case, together with any authorized penalty, as part of the defendant's sentence pursuant to 18 U.S.C. §§ 2264, 3663, 3663A, and 3664.

VI. FORFEITURE

Not applicable in this case.

Respectfully submitted,

ERIC G. OLSHAN
United States Attorney

/s/ Nicole Vasquez Schmitt
NICOLE VASQUEZ SCHMITT
Assistant U.S. Attorney
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